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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.09.2018

CORAM
THE HON'BLE MR.JUSTICE R.SURESH KUMAR
W.P.No.23353 of 2003

G.Thangaraj ...Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai-2.

2.Assistant Executive Engineer/Rural,
Tamilnadu Electricity Board,
Chidambaram. ...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to immediately cut of electricity connection to meter No.11 (5 Horse Power) fixed in the land in Kattukudalur Village belonging to me as requested in my letter dated 25.06.2002.

For Petitioner : No appearance

For Respondents : Mr.M.Varun Kumar,
Standing Counsel for TANGEDCO

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the 2nd respondent to immediately cut off the electricity connection to Meter No.11 (5 Horse Power), fixed in the land in Kattukudalur Village belonging to the petitioner as requested in his letter dated 25.06.2002.

2.The short facts which are required to be noticed for the disposal of the Writ Petition are as follows:

The 5 HP electricity connection stands in the name of the petitioner in Meter No.11 at Kattukudalur Village, Chidambaram Taluk. Since, the petitioner become aged and none of his legal heir is going to take the agricultural activities in continuance of the petitioner, the petitioner wanted to disconnect the electricity connection for 5 HP Meter standing in the name of the petitioner and in this regard, he had given a letter to the 2nd respondent on 25.06.2002. Thereafter, since no action was taken, once again he had sent a letter on 21.09.2002.

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3.In response to the same, the 2nd respondent by communication dated 25.10.2002, directed the petitioner to produce a certificate from the Revenue Authorities, in person, seeking permanent disconnection of the electricity service connection.

4.Pursuant to the said communication issued by the 2nd respondent dated 25.10.2002, the petitioner also after obtaining a certificate from the Village Administrative Officer, had appeared before the 2nd respondent Office on 06.11.2002 and handed over the same and renewed his request to permanently disconnect the electricity service connection that stands in the name of the petitioner. However, the respondents have not come forward to disconnect the electricity service connection. Therefore the petitioner has filed this Writ Petition with the aforesaid prayer.

5.I have heard Mr.M.Varun Kumar, learned Standing Counsel appearing for the respondent TANGEDCO, who would submit that, though the electricity service connection stands in the name of the petitioner, that service connection was given in the name of the petitioner while he was the member of the joint family and after partition, it seems that, the land where the electricity service connection was given, had been given to the brother of the petitioner and therefore since the brother of the petitioner wants to utilize the electricity service connection, the department wanted to get a concent from the petitioner to transfer the electricity service connection in the name of his brother. That is the reason why, even though the petitioner had given a request to disconnect the electricity service connection, it was not immediately under taken by the respondents.

6.Insofar as the said stand taken by the TANGEDCO/respondent is concerned, such kind of stand the respondents need not take, as the electricity service connection stands in the name of the petitioner and he does not want to continue with the electricity service connection, therefore, he had requested to disconnect the electricity service connection. In this regard, as directed by the respondents dated 25.06.2002, the petitioner had also produced a certificate obtained from the Village Administrative Officer and handed over the same to the 2nd respondent on 06.11.2002. When that being so, the respondent TANGEDCO cannot withhold the service connection in the name of the petitioner without taking any decision. The reason given by the respondent that instead of disconnecting the service connection, it can be transferred in the name of the brother of the petitioner is concerned, such kind of reason, the respondents cannot give in view of the fact that admittedly, the service connection stands only in the name of the petitioner and therefore, he is the consumer in the eye

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of law and therefore, once he comes forward to disconnect the same, it is the duty of the 2nd respondent to disconnect the electricity service connection, of course, after adopting the usual formalities. When that being the factual matrix, this Court is not accepting the reasoning given by the 2nd respondent for not acceding the request given by the petitioner to disconnect the electricity service connection that stands in his name.

7.In the result, this Writ Petition is disposed of with the following direction:

The respondents, especially the 2nd respondent is hereby directed to act upon on the requests of the petitioner dated 25.06.2002 and 06.11.2002 and accordingly disconnect the service connection in Meter No.11 at Kattukudalur Village, Chidambaram Taluk permanently and after doing the same, a communication to that effect shall be given to the petitioner. The needful as indicated above shall be undertaken by the respondents within a period of two (2) weeks from the date of receipt of a copy of this order.

8.With this direction, the Writ Petition is ordered. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,Chennai -2

2.Assistant Executive Engineer/Rural,
Tamilnadu Electricity Board,
Chidambaram.

+1cc to Mr.M.Varunkumar, Advocate, S.R.No.65869

W.P.No.23353 of 2003

KK(CO)

rrs 10/10/2018

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